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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/719,772	04/26/2001	Masami Miyanishi	0666.1650000	5026

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EXAMINER

LOWE, MICHAEL S

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 10/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/719,772	Applicant(s) MIYANISHI, MASAMI	
	Examiner M. Scott Lowe	Art Unit 3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 2 and 8-14 is/are allowed.
- 6) ☒ Claim(s) 3-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 3-6 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 58-30851.

Re claim 3, JP 58-30851 (figures 1-2) teaches a structure of a work machine having a plurality of drive parts which are individually driven and controlled with hydraulic pressure, comprising:

- a base 3;
- a boom bracket 8 mounted on the base 3, the boom bracket 8 being formed on its upper end with a pair of boom support portions (figure 2) and provided below each of the boom support portions (not numbered) with a hose guide hole (not numbered);
- a boom 9 serving as one of the drive parts, the boom being provided at its base end with a pair of supported portions (not numbered) formed in a bifurcated manner, wherein each of the supported portions is pivoted by each of the boom support portions via a horizontal pivot shaft (not numbered) so that the boom is vertically rotatably attached on the boom bracket;
- hydraulic actuators 7, 12, 13, 14 for driving the respective drive parts of the work machine,

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and operation oil hoses (not numbered) for supplying operation oil to the hydraulic actuators extending from the base, wherein each of the operation oil hoses penetrates through each of the hose guide holes.

Re claim 4, JP 58-30851 (figures 1-2) teaches the work machine structure according to claim 3, further comprising:
a hydraulic actuator 14 for driving the boom 9 being arranged on a side of the boom 9 opposite to the base 3, wherein the operation oil hoses penetrating through the respective hose guide holes (not numbered) are provided to supply operation oil to the hydraulic actuator for driving the boom.

Re claim 5, JP 58-30851 (figures 1-2) teaches the work machine structure according to claim 3, wherein the boom bracket 8 (figure 2) is provided with a pair of ribs (figure 2) formed downwardly on both sides of each of the boom support portions so that the operation oil hose penetrating through each of the hose guide hole is passed through each of a valley between both the ribs below each of the support bracket portions.

Re claim 6, JP 58-30851 (figures 1-2) teaches structure of a work machine having a plurality of drive parts which are individually driven and controlled with hydraulic pressure, comprising:

a base 3;

a boom bracket 8 mounted on the base 3;

a boom 9 serving as one of the drive parts, the boom 9 being vertically rotatably attached on the boom bracket 8, a supported portion (not numbered) to be pivoted on

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the boom bracket being joined to a base end (not numbered) of a main body of the boom 9, and

a reinforcement member (the boom hydraulic cylinder supports) being plastered on the joint portion between the main body and the supported portion of the boom, wherein the reinforcement member is formed of a plate-like member which becomes thinner toward a tip end of the boom 9.

Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by Rae (US 5,232,330).

Re claim 7, Rae teaches a structure of a work machine 12 having a plurality of drive parts individually controlled and driven by respective hydraulic actuators 40,42 comprising:

a base 10 on which the work machine is attached, the base including an upper plate 48, 78 portion arranged in the vicinity of the work machine;

a first plurality of operation oil hoses 90 extending from the base for supplying operation oil to the respective hydraulic actuators;

end portion connectors 92 of the oil hoses 90 being arranged on the upper plate portion,

and a second plurality of operation oil hoses 98 piped on the work machine 12 to be

connected to the respective hydraulic actuators 40, 42, wherein end portions of the

operation oil hoses piped on the work machine are detachably connected to the

respective end portion connectors 92 of the first plurality of operation oil hoses

extending from the base.

Allowable Subject Matter

Claims 1-2, 8-14 are allowed.

Conclusion

Applicant's arguments filed 7/2/04 (from non-entered amendment filed on 3/25/04) regarding claims 3-6 have been fully considered but they are not persuasive.

Regarding the argument that JP58-30851 does not teach a hose guide hole provided below each of the boom support portions, this reference does show this item in figure 2. The holes may or may not be considered between the boom support portions horizontally but they are still vertically below the same support portions and thus meet the claims.

Regarding the argument that JP58-30851 does not teach a reinforcement member being plastered on a joint portion between the main body and the supported portion of the boom, this is not the case. This is shown in figure 1. Applicant appears to be arguing semantics. Statements outside of the claim language changes that certain parts are or are not part of various other structures are not persuasive since the reference meets the claims as written.

Applicant's arguments with respect to claim 7 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments, filed 7/2/04, with respect to claims 8-10,14 have been fully considered and are persuasive. The rejections of claims 8-10,14 have been withdrawn.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Scott Lowe whose telephone number is 703-305-1940. The examiner can normally be reached on 6:30am-4:30pm M,Tu,Th,F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on 703-308-3248. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

msl



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